

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

JAIRO HIDALGO-RODRIGUEZ,

Plaintiff,

-vs-

JB HUNT TRANSPORTATION, INC., KHALIL
PIERRE, John Doe 1-X and Jane Roe 1-X, said
names being fictitious,

Defendants.

:
: Case No.: 2:21-cv-16521
:

: *Civil Action*
:

: **Removed from:**
:

: SUPERIOR COURT OF NEW JERSEY
: LAW DIVISION: ESSEX COUNTY
:

: DOCKET NO.: ESX-L-005651-21
:

NOTICE OF REMOVAL

TO THE HONORABLE JUDGES OF THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW JERSEY:

Defendants, J.B. Hunt Transport, Inc. s/h/a JB Hunt Transportation, Inc. and Khalil Pierre
(hereinafter, “moving defendants”), by and through their attorneys Rawle & Henderson LLP,
respectfully avers as follows:

1. At all times material, Jairo Hidalgo-Rodriguez is a citizen of the State of New
Jersey and currently resides at 10 Rector Street, Millburn, New Jersey 07041, County of Essex and
State of New Jersey. (see **Exhibit “A”** - Plaintiff’s Complaint).

2. At all times material, Khalil Pierre is a citizen of the State of Maryland and currently
resides at 13306 Warburton Drive, Fort Washington, Maryland 20744; in Prince George’s County.
(see **Exhibit “A”** - Plaintiff’s Complaint).

3. Defendant, J.B. Hunt Transport, Inc. is (and was) a corporation incorporated in the
State of Georgia with its principal place of business in Lowell, Arkansas.

4. Plaintiff commenced a civil action in the Superior Court of New Jersey for Essex
County, on or about July 20, 2021.

5. It is believed that the Complaint was served on moving defendant on August 4, 2021.

6. It is the position of moving defendant that the service of the Complaint was improper pursuant to the New Jersey Court Rules 4:4-4 given plaintiff did not serve the Complaint on moving defendant's registered agent.

7. In addition, plaintiff has failed to prove that they attempted service in New Jersey and have failed to provide an affidavit stating that despite diligent effort and inquiry personal service cannot be made in New Jersey in accordance with New Jersey Court Rule 4:4-4(a).

8. Even if this Honorable Court concludes that service was proper, this Removal petition is being filed within 30 days of service of the Complaint.

9. There are no other known defendants in this matter.

10. A review of plaintiffs' Complaint reveals that plaintiff, Jairo Hidalgo-Rodriguez, allegedly sustained severe personal injuries.

11. Based on the fair reading of the Complaint, plaintiffs have set forth a claim in which the amount is in the excess of jurisdictional limits of \$75,000.00, exclusive of interest and costs which may be at stake.

12. Diversity of citizenship within the meaning of 28 U.S.C. §1332 exists between plaintiffs and defendant since: (a) plaintiff is a citizen, resident and reside in the state of New Jersey and defendant J.B. Hunt Transport, Inc. is incorporated in the State of Georgia with its principal place in business in Lowell, Arkansas.

14. Furthermore, diversity of citizenship existed at the time the action sought to be removed was commenced and continues through the time of filing of this notice such that moving defendants are entitled to removal pursuant to 28 U.S.C. §1441, as amended and 28 U.S.C. §1446.

WHEREFORE, J.B. Hunt Transport, Inc. s/h/a JB Hunt Transportation, Inc. and Khalil Pierre claim that the above-captioned action now pending in the Superior Court of New Jersey, Law Division, Essex County, be removed therefrom to this Honorable Court.

Dated: September 3, 2021

RAWLE & HENDERSON LLP



By: _____

Anthony D. Luis, Esquire
Attorney No.: 057692014
aluis@rawle.com
Rawle & Henderson LLP
14 Wall Street – 27th Floor
New York, New York 10005
Telephone No.: 1 (212) 323-7070
Fax No.: 1 (212) 323-7099
Attorney for Defendants
J.B. Hunt Transport, Inc. s/h/a
JB Hunt Transportation, Inc.
and Khalil Pierre
Our File No.: 720125